Supreme Court, U.S.
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No. 98-1896

In the
Supreme Court of the United States

October Term, 1998

ROBBIN JACKSON,

Petitioner,

v

HOUSTON COUNTY BOARD OF EDUCATION

Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

REPLY PETITION FOR A WRIT OF CERTIORARI

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REPLY BRIEF FOR A WRIT OF CERTIORARI

STATEMENT OF THE CASE

Eventhough the Houston County Board of Education (hereinafter the "Board") did not sign their **BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI**, nor did the Board sign the certificate of service, the Counsel of Record for the Board, Mr. William R. Jerles, Jr., was finally truthful when he stated that the documents were "Signed under the Pains and Penalty of Perjury."

Robbin Jackson (hereinafter the "Plaintiff") asked the United States District Court for the Middle District of Georgia, Macon Division (hereinafter the "District Court") on three different occasion to order the Board to produce documents that the Plaintiff needed to win the case. As of today, those documents have not been received by the Plaintiff. The Plaintiff also asked the United States Court of Appeals for the Eleventh Circuit in Atlanta, Georgia (hereinafter the Court of Appeals) on one occasion to order the Board to produce those documents. The Court of Appeals also refused to order the Board to produce any documents.

The Plaintiff did discover some important information needed to win this case by reading the June 1999 edition of the **Georgia Informer.** There was an article entitled, **"White Women Dominate Houston County Schools,"** pages 33-36. The article stated: "Highest Paid--Salary figures obtained from the Houston County Public School's personnel office show that for some reason black men are not likely to go into the education field. Out of 1,367 employees, only 41 black men earned over $30,000 a year.

An astounding 898 white women earned as much. This number was followed by 245 white men and 183 black women. In order to turn our black children around, we need more men in education."

The Plaintiff agrees that we need more black men in education. However, the Board is not hiring that many black men. Out of 1,367 employees in the Houston County school system that earn $30,000 a year, only 41 black men earned over that amount. That is only about 2.9 percent.

If the Board would have provided the Plaintiff this information when requested, the District Court and the Court of Appeals would probably have ruled differently. The Plaintiff stated in the original complaint that "Houston County school system discriminates against black males by stratifying the system to put whites in top positions and to pay whites more money for doing the same or comparative jobs. Houston County school system discriminates on the basic of race and/or sex: in pay for the same or similar jobs; in promotions or advancement; in hiring; in conditions of employment; the most favored group in this system is White."

The Supreme Court can consider a petition for a wit of certiorari when a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court. (Supreme Court Rule 10(c)).

The question before the Supreme Court of the United States is whether the District Court and Court of Appeals violated my (Plaintiff) constitutional "Bill of Rights", seventh amendment to a jury trial in my civil case by issusing a summary judgment when all the facts were not in, and the facts that were presented from the Defendant(The Board) were based on mistrues (lies).

Some of the mistrues by the Board are: (1) All employees of the school system are compensated on the state merit system pay scale. (Brief in Opposition to Petition For a Writ of Certiorari, page 2). In the Georgia Informer's article, *Id.*, The four high schools athletics directors, which are all white males, Conrad Nix at Northside High School earns $70,236. Perry High School athletics director, George Collins, earns $62,640. Warner Robins High School athletics director, Richard Fendley, earns $72,228, and Houston County High School athletics director, Doug Johnson, earns $64,644. Many teachers with higher degrees earns less than some of the athletics directors.

(2) The Board stated: "Jackson had at the time of this action only a business education certificate on the high school level, grades seven through twelve, focusing on computers, typing and data processing. *Id.* For Jackson to become a full time teacher in the middle school, he would have to obtain a provisional accelerated teaching certificate. *Id.*"
After the Plaintiff received his master's degree in guidance (school) counseling, which includes grades kindergarten through twelfth grade (k-12), the Board had no intentions of hiring the Plaintiff.

The Plaintiff did work at the Kellwood Company for 19 1/2 years because the Board would not hire the Plaintiff in a teaching position. As a way of trying to get into the system, while working at nights at Kellwood, the Plaintiff intermittently worked as a substitute teacher in the Houston County school system during the daytime.

After two white females quit the permanent substitute position at the Perry Middle School, the Board finally hired the Plaintiff into that position.

On April 2, 1996, the Board was presented with a preliminary budget summary which showed there would be a budget deficit of approximately $3,224,054. It was due to mismanagement of funds by the Board. The Board was opening and closing schools unnecessarily. The State of Georgia passed a law about the numbers of employees that the central office of all boards of education could employ, The Houston County Board surpass that number many times over. If the Board was really trying to cut the budget, they wouldn't be paying their Personnel/Human Resource Director, Ms. Roberta Barr, white female, $78,948 a year. The Superintendent, white male, Mr. Charles Holloway makes $121,959 a year, and his wife, which was just hired by the Board of Education less then two years ago, Mrs. Susan Holloway, makes $38,268 a year. By eliminating all 26 of the full-time permanent substitute positions, the Board saved only $111,680 a year, which is less than the Superintendent's salary. (See Plaintiff's Motion For Preliminary Injunction Restoring Plaintiff Robbin Jackson to Full Time Employment, Exhibit #28. Record Vol. 11.).

The Plaintiff belongs to a racial minority group, and was qualified for several jobs for which the employer was seeking applicants; and, that, despite his qualifications, he was rejected; and, that after his rejection, the position remained open and the employer continued to seek applicants from persons of complaint's qualifications. (McDonnell Douglas, 1973)

The interviewing committees at the Perry Middle School were bias. As the Court could see, an individual could say the same thing and receive different scores from both extremes. The Board keeps saying that there were instructional coordinators on those committees. There was only one instructional coordinator,Gay Nelson, a white female, whom the Plaintiff had a disagreement about another situation before any of the interviews occurred. She was determined not to hire the Plaintiff at any cost.

Two of the interviews at the Perry Middle School, one for the special education and the other for the journalism position, was filled before the Plaintiff had an interview. That is while the principal, Mr. Bobby Pennington did not want me to attend the meeting inwhich he said the Plaintiff was confrontational. The Plaintiff was not confrontational, nor did he attend the meeting. The interviews were only "going through the motions" because the committees that were doing the interviewings had no intentions of hiring the Plaintiff. The interview for the science teaching position, one of the interviewer wrote "Hire" on Cedric Rumph's interview sheet before the Plaintiff was even interviewed.

The Plaintfill did have a physical altercation with a student. The Plaintiff was only trying to defend himself. (See Plaintiff's Motion for Preliminary Injunction Restoring Plaintiff Robbin Jackson to Full Time Employment. Vol. 11, Exhibit #11). However, the Plaintiff was written up. This is like having the coach that was shot in the Columbine High School in Denver, getting written up for being shot by a student.

The Board claims of improper denial of bathroom privileges to students by the Plaintiff is not true. This was explain to the lower courts in earlier documents. (*Id.* Vol. 11, Exhibit #12 page 4).

In the Plaintiff's deposition concerning the working conditions at the Perry Middle School, the Plaintiff was the full-time substitute teacher that did not take a day off, whether it was cold or hot, raining or sunshine, the Plaintiff was there making little money. However; when it rains, many of the eight grade teachers stayed home. The eight grade classes were in portable building. Many of the building did not have a shelter over the door, and large sum of water accumulated in from of the building when it rains for a long time. Certainly the rain would effect all Board employees, regardless of race or gender. However, most of them stayed home, while the Plaintiff had no choice but to go in the rain to substitute for the teacher that decided to stay home.

If the Board wins this case, they can do anything illegal concerning hiring and firing to any employee without being punished for-evermore.

In Conclusion

For the above and foregoing reasons, the petition for a Writ of Certiorari should be granted.

This 23rd day of July, 1999

Robbin Jackson

Mr. Robbin Jackson,
Pro se

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So to and subscribed before me
this 23 day of July 1999.

Notary Public

Notary Public Houston County Georgia
My Commission Expires April 28 2003